

REMARKS

This application has been reviewed in light of the Office Action dated August 15, 2008. Claims 12-14, 35-37, 58-60, 81-83, 93-98, 100-107, 109-116, 118-125, 127, and 128 are presented for examination, of which Claims 12, 35, 58, and 81 are in independent form. Claims 12, 35, 58, 81, 97, 106, 115, 119 and 124 have been amended. Favorable reconsideration is requested.

Claims 12-14, 35-37, 58-60, 81-83, 93, 95, 102, 104, 111, 113, 120 and 122 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,222,081 (*Sone*) in view of U.S. Patent Application Publication No. 2002/0007299 (*Florence*); Claims 94, 96, 103, 105, 112, 114, 121, and 123 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sone* and *Florence* in view of U.S. Patent No. 6,470,323 (*Suzuki*); Claims 100, 101, 109, 110, 118, 119, 127, and 128 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sone* and *Florence* in view of U.S. Patent Application Publication No. 20020188499 (*Jenkins*); and Claims 97, 98, 106, 107, 115, 116, 124, and 125 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sone* and *Florence* in view of U.S. Patent No. 6,795,823 (*Aklepi*).

Initially, the Examiner is thanked for the courtesies extended during the telephonic interview held on October 7, 2008, to discuss Claim 35 and the prior art cited against that claim. It is believed that this response represents a complete written statement as to the substance of the interview, in accordance with M.P.E.P. § 713.04.

The Interview centered around the “calculating” feature of Claim 35, which was explained with reference to Figure 7D and paragraphs [0105-0110] of the present application. As discussed during the interview, by virtue of this feature bulk product shipments can be

diverted effectively even when the units that make up the bulk shipment (*i.e.*, units having the same product number) were originally destined to different locations each having its own associated ETA, where a deadline associated with these ETAs is provided by which a diversion request must be completed to cause the diversion.

To further prosecution, it was agreed during the interview that Claim 35 would be amended to clarify that the ETAs are for “a plurality of in-transit units” and that the diversion request is for diverting “[a] quantity of in-transit units having the product number” to clarify that multiple in-transit units having the product number are diverted and demonstrate how the invention is particular advantageous when applied to large scale commercial shipments.

During the interview, Applicants’ representative further explained that nothing has been found in *Sone* and *Florence*, either alone or in combination, assuming such combination would even be permissible, that would teach, suggest or otherwise result in the “calculating” feature of amended Claim 35.

Accordingly, Applicants submit that Claim 35 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 12, 58 and 81 are method, system and computer-readable storage medium claims respectively corresponding to Claim 35, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 35.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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